IDW AF/1636

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PTO/SB/31 (09-04)
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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES	Docket Number (Optional) ESCL-P02-060

In re Application of	Lu et al.
Application Number	09/635370
Filed	August 9, 2000
For	PROGENITOR CELLS, METHODS AND USES RELATED THERETO
Art Unit	1636
Examiner	D. A. Lambertson

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 340.00

[X] Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ 170.00

[] A check in the amount of the fee is enclosed.

[] Payment by credit card. Form PTO-2038 is attached.

[X] The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

[X] The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 18-1945 . I have enclosed a duplicate copy of this sheet.

[X] A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

[] applicant /inventor.

[] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

[X] attorney or agent of record.
Registration number 54,408

[] attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Signature

Melissa S. Rones, Ph.D.
Typed or printed name

(617) 951-7653
Telephone number

October 29, 2004
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

[X] *Total of 1 forms are submitted.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 10/29/04 Signature: _____ (Ginny Blundell)

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